

FILED

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

FEB 17 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

IN THE MATTER OF THE REQUEST FOR :
AGENCY ACTION OF ENERPLUS :
RESOURCES (USA) CORPORATION FOR AN :
ORDER TO FORCE POOL THE INTERESTS OF :
ALL OWNERS REFUSING OR FAILING TO :
AGREE TO LEASE THEIR INTEREST OR :
OTHERWISE BEAR THEIR PROPORTIONATE :
SHARE OF THE COSTS OF DRILLING AND :
PRODUCTION OPERATIONS OF THE LIVSEY :
25-15 WELL DRILLED IN SECTION 25, :
TOWNSHIP 2 SOUTH, RANGE 1 WEST, :
USM, UINTAH COUNTY, UTAH. :

**ORDER GRANTING
ENERPLUS RESOURCES
(USA) CORPORATION'S
EX PARTE MOTION TO
SERVE NOTICE BY
CERTIFIED MAIL AND
PUBLICATION**

Docket No. 2010-013

Cause No.131-128

The Board of Oil, Gas and Mining (the "Board") having fully considered Enerplus Resources (USA) Corporation's Ex Parte Motion to Serve Notice by Certified Mail and Publication ("Petitioner's Motion") and the grounds and reasons provided therefore, and good cause appearing, hereby enters its Order Granting Petitioner's Motion as follows:

1. Based on Petitioner's Motion and the Affidavit of Jeff Schroeder submitted herewith, the Board finds that Petitioner has complied with the requirements of Rule 4(d)(2) and (4) of the Utah Rules of Civil Procedure and Rules R641-104-135 and R641-106-200 of the Utah Administrative Code regarding service of process on persons by certified mail and by publication on persons whose whereabouts cannot be ascertained through reasonable diligence. Therefore, service of the Request for Agency Action in this cause shall be made as follows:

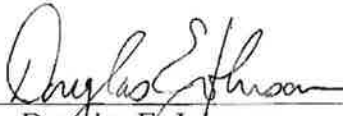
(a) As to the persons set forth on Exhibit “A” attached hereto, being those mineral interest owners for whom Petitioner has located addresses, service shall be made by certified mail, return receipt requested,

(b) As to those persons set forth on Exhibit “B” for whom Petitioner has been unable to locate addresses, as well as those on Exhibit “A” who are determined to no longer reside at the address listed, and all other persons claiming any right, title or interest in or to the oil and gas produced from the reservoirs beneath the real property described in Petitioner’s Request for Agency Action, or to the right to drill into, produce from, or appropriate such oil and gas, service shall be made by publication of the Notice of Hearing, once a week for three consecutive weeks, in a newspaper of general circulation in Salt Lake City and County, and in newspapers of general circulation published in Uintah and Duchesne Counties, Utah, the county wherein the subject real property is located and is hereby designated as most likely to give notice to the above referenced persons. The published notice shall, to the extent practicable, include the names of such persons and shall otherwise conform, as appropriate, with the requirements of Rule R641-106-100.

2. Service by publication is deemed complete on the date of final publication.
4. Service by certified mail is deemed complete on the date of receipt.
5. For all purposes, the Chairman’s signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

ISSUED this 17 day of February, 2010.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

By: 
Douglas E. Johnson
Chairman